

### **REMARKS**

This Amendment is responsive to the Office Action identified above, and is responsive in any other manner indicated below.

### **REQUEST FOR EXAMINER INTERVIEW BEFORE FURTHER ACTION**

It is respectfully noted that an examiner interview if scheduled for Thursday, 17 November 2005 at 11:00am, with the Examiner's SPE scheduled to be in attendance. In the interest of expediting prosecution of the present application, Applicant respectfully requests that such Examiner interview be conducted before a further action is issued with respect to the present application. The Examiner is thanked in advance for such considerations.

### **PENDING CLAIMS**

Claims 2-8 and 10-14 were pending, under consideration and subjected to examination in the Office Action. No claims have been amended, added or canceled. At entry of this paper, Claims 2-8 and 10-14 will remain pending for further consideration and examination in the application.

### **REJECTION UNDER '112, 2ND PAR. - TRAVERSED**

Claims 2-8 and 10-14 have been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed within the '112, second paragraph section on page 2 of the Office Action. Applicant respectfully traverses because, as far as the brief Office Action comments are understood, claim 2's preamble and body portions are not contradictory.

As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

### **STANDING REJECTION UNDER 35 USC §103 - TRAVERSED**

The standing 35 USC §103 rejection of Claims 2-8 and 10-14 as being obvious over Sandifer (US 5,987,474 A) is respectfully traversed. All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections or, statements alleging purpose or opinion of amendments made herein, are respectfully traversed. As additional arguments, Applicant respectfully submits the following additional remarks from Applicant's foreign representative

One important point of the support system according to the present invention lies in predicting or estimating the load (frequency of operation) of an elevator before making a maintenance contract so as to help determine maintenance fees. In contrast, what is shown in the table in the Sandifer columns 78 and 79 pointed out by the Examiner is a data structure of the logbook on which the maintenance company records the results of the maintenance conducted, not the results of the load prediction nor data structure used for load prediction, which in fact is disclosed or suggested nowhere in the Standifer disclosure.

Moreover, if the Examiner were contending that the Standifer's logbook renders the predicting means obvious, such a contention of the Examiner is clearly

wrong because while it may be possible for a person to see from the contents of the data in the logbook that the component part replacement interval and check-up interval can be determined from flight hours, no information is, in fact, disclosed or suggest at all about what determines the flight hours per se. One may say that flight hours can be estimated from a flight schedule. But, it does not hold true when it comes to elevators because heretofore it was difficult to estimate the elevator load before the present invention for the following reasons.

The Examiner contended that it is very well known in the art to build elevators according to the expected loads. Applicant respectfully disagrees. Elevators are not necessarily designed according to the expected loads. More specifically, when designing a building, the number of elevator cars installed therein and the passenger capacity of a car are, in general, determined based on the fire law based on the capacity (the number of floors and the area of the floors) of the building. However, in reality, the elevator load (frequency of operation) can be (and typically is) very much different from one building to another if the number of persons coming in and leaving the buildings are different, even if the capacities of the buildings/elevators are the same.

Take, for example, buildings for offices, there is a great difference in the frequency of operation of the elevators between an office building with all of the floors fully filled with tenants and a building with many vacant rooms. This is the case with, for another example, commercial buildings for shops and cafes. The operation frequency greatly differs between a commercial building near a railroad station where a lots of people come and go and a remote commercial building. For these reasons, it was heretofore difficult to predict the elevator load.

Turning now to maintenance aspect of elevators, in one known type of contract for elevators, a fixed monthly maintenance fee is set and the number of check-ups and the frequency of component replacement are set according to the fixed fee. In the case of such type of contract, if the maintenance contract is made with a higher fixed fee than the actual elevator load (operation frequency), the probability of occurrence of breakdown or failure may become low as check-up and replacement of components are performed overly frequently, but on the other hand the owner of the building tends to pay more than necessary money. Conversely, if the contract is made with a lower fixed fee, the probability of occurrence of breakdown or failure may become high as check-up and replacement of components are performed less frequently, resulting in inconvenience due to stoppage of the elevator operation for repair.

In view of those reasons, the owner of the building who is the person to pay the maintenance fee, naturally desires to set an appropriate maintenance fee to suit the elevators of his building. In view of such situations, the present invention predicts the number of persons who use a building taking account of not only the building capacity, but also the use and the locational condition (condition of site) of the building so as to predict the elevator load (frequency of operation) from the predicted number of passengers, so as to help set an appropriate maintenance fee based on the predicted elevator load.

Thus, Sandifer does not render the present invention obvious.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in any of the Office Action suggested combinations) would not support a §103 obviousness-type rejection of Applicant's claims. Accordingly,

reconsideration and withdrawal of such §103 rejection, and express written allowance of all of the §103 rejected claims, are respectfully requested.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600, to discuss an Examiner's Amendments or other suggested action for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To whatever other extent is actually required and appropriate, Applicant respectfully petitions for an extension of time under 37 CFR §1.136. Further, no additional claim fee is required for entry of this paper. Please charge any actual deficiency in fees due to ATSK Deposit Account No. 01-2135 (as Case No. 500.39831X00).

Respectfully submitted,



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